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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/412,699	10/05/1999	IRA A. GERSON	04776.81658	9994

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EXAMINER

SOBUTKA, PHILIP

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/412,699

Applicant(s)

GERSON, IRA A.

Examiner

Philip J. Sobutka

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ :
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al (US 6,125,284) in view of Son et al (US 6,212,408).

Consider claims 9,12,13,15,17,19,25,26,28,29. Moore teaches a system comprising a subscriber unit in wireless communication with an infrastructure, the subscriber unit comprising: a portion of a speech recognition element that when activated, begins processing voice based commands, wherein the speech recognition element is implemented by a server within the infrastructure (Moore see especially fig 1, item 35, col 2, lines 34-65, col 6, lines 4-25). Moore lacks a teaching of the local detector detecting the presence of an indicator during speech that activates the speech recognition processing. Son teaches a speech recognition arrangement with a detector for detecting an indicator during speech that activates the speech recognition function (Son see especially col 2, lines 5-14). Note that Son teaches entering the voice recognition mode during a conversation (Son see especially col 8, lines 50-60, col 10, lines 63 – 67). It would have been obvious to one of ordinary skill in the art to modify the subscriber unit of Moore to have the local detector activate the speech recognition as taught by Son in order to allow the speech recognition function to be activated when needed, providing for improved hands free operation if the mobile is a car phone.

As to claims 1,4,5,6,20,23,24, the system of Moore in view of Son would perform the claimed steps.

As to claim 8,16,21, note that the activation of the recognition feature would inform the server.

As to claim 18, note that Moore's subscriber unit is a radiotelephone (Moore page 1, paragraph 6).

As to claims 2,3,10,11,22,27, note that Son's activation can be by voice or input to a menu button (Son see especially col 2, lines 5-14).

2. Claims 7,14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moore et al in view of Son and in view of Houser (US 5,774,859).

As to claim 7, Moore in view of Son also lacks a teaching of providing an indication to the user that the speech recognition is working. Houser teaches providing an indication to the user that the speech recognition is activated (Houser col 24, line 63 – col 25, line 32). It would have been obvious to one of ordinary skill in the art to further modify Moore in view of Son to provide the indication as taught by Houser in order to ensure that user was aware that the recognition function was active.

As to claim 14, Moore in view of Son as applied to claim 7, lacks a teaching of the indication being an annunciator. Official Notice is taken that the use of annunciator is well known in the art of radiotelephones, and at least one is provided on each radiotelephone. Therefore, It would have been obvious to one of ordinary skill in the art to further modify Moore in view of Son to use an annunciator in order to utilize equipment that is already present in the radiotelephone.

Response to Arguments

3. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

4. Applicant's arguments with respect to Katzur were persuasive, in that it was not clear if Katzur envisioned activating the voice recognition during a conversation.

5. Applicant's arguments regarding the modification of Moore were not persuasive. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Croft (US 6,493,670) has been cited to show a system voice recognition system activated locally, however, Croft's system seems to locate all of the voice recognition function locally within the subscriber in contrast to the instant invention.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Sobutka whose telephone number is 703-305-4825. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Philip Sobutka

Pjs
April 14, 2004


NAY MAUNG
SUPERVISORY PATENT EXAMINER